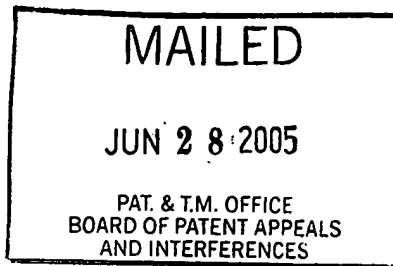


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Paper 1
Filed June 28, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HOWARD MARTIN
Junior Party
(Patent 6,264,471),

v.

SUK-SONG OH
Senior Party
(Application 09/294,073).

Patent Interference No. 105,335
(Technology Center 3700)

Before James T. Moore, Administrative Patent Judge.¹

DECLARATION - Bd.R. 203(d)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any),

¹As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference.

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. on August 23, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Howard Martin, Rockville Maryland
Patent: 6,264,471
Title: Length Control Marked Gutta-Percha Cones and
Method of Insertion
Assignee: None
Accorded Benefit: None

Senior Party

Named Inventors: Suk-Song Oh, Seoul, republic of Korea
Application 09/294,073
Title: Endodontic Gutta-Percha Point with Working Length
Marks
Assignee: None
Accorded Benefit: Republic of Korea 1998-37719,
filed September 12, 1998

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Claim 7 of Application 09/294,073 or claim 4 of Patent 6,264,471.

The claims of the parties are:

Martin: Claims 1-7

Oh: Claims 7-13

The claims of the parties which correspond to Count 1 are:

Martin: Claims 1-7

Oh: Claims 7-13

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Martin: None

Oh: None

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference. See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
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(Administrative Patent Judge James T. Moore)

HOWARD MARTIN
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Patent Interference No. 105,335
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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the US patents and US applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all

affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

/ss/ James T. Moore
JAMES T. MOORE
Administrative Patent Judge

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)
) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,264,471
Copy of claims of 09/294,073

Revised January 2005

cc (via overnight delivery):

Attorney for **MARTIN**:

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